

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 24-1, 24-1.2-5, 24-2, and 36-1 as follows:

6 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

7 Sec. 24-1. Unlawful possession of weapons.

8 (a) A person commits the offense of unlawful possession of
9 weapons when he knowingly:

10 (1) Sells, manufactures, purchases, possesses or
11 carries any bludgeon, black-jack, slung-shot, sand-club,
12 sand-bag, metal knuckles or other knuckle weapon
13 regardless of its composition, throwing star, or any
14 knife, commonly referred to as a switchblade knife, which
15 has a blade that opens automatically by hand pressure
16 applied to a button, spring or other device in the handle
17 of the knife, or a ballistic knife, which is a device that
18 propels a knifelike blade as a projectile by means of a
19 coil spring, elastic material or compressed gas; or

20 (2) Carries or possesses with intent to use the same
21 unlawfully against another, a dagger, dirk, billy,
22 dangerous knife, razor, stiletto, broken bottle or other
23 piece of glass, stun gun or taser or any other dangerous or

1 deadly weapon or instrument of like character; or

2 (2.5) Carries or possesses with intent to use the same
3 unlawfully against another, any firearm in a church,
4 synagogue, mosque, or other building, structure, or place
5 used for religious worship; or

6 (3) Carries on or about his person or in any vehicle, a
7 tear gas gun projector or bomb or any object containing
8 noxious liquid gas or substance, other than an object
9 containing a non-lethal noxious liquid gas or substance
10 designed solely for personal defense carried by a person
11 18 years of age or older; or

12 (4) Carries or possesses in any vehicle or concealed
13 on or about his person except when on his land or in his
14 own abode, legal dwelling, or fixed place of business, or
15 on the land or in the legal dwelling of another person as
16 an invitee with that person's permission, any pistol,
17 revolver, stun gun or taser or other firearm, except that
18 this subsection (a) (4) does not apply to or affect
19 transportation of weapons that meet one of the following
20 conditions:

21 (i) are broken down in a non-functioning state; or

22 (ii) are not immediately accessible; or

23 (iii) are unloaded and enclosed in a case, firearm
24 carrying box, shipping box, or other container by a
25 person who has been issued a currently valid Firearm
26 Owner's Identification Card; or

(iv) are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act; or

(5) Sets a spring gun; or

(6) (Blank) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries:

(i) a machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;

(ii) any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by

alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or

(iii) any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or

(8) Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted.

This subsection (a)(8) does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses; or

(9) Carries or possesses in a vehicle or on or about his or her person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when he or she is hooded, robed or masked in such manner as to conceal his or her identity; or

(10) Carries or possesses on or about his or her

1 person, upon any public street, alley, or other public
2 lands within the corporate limits of a city, village, or
3 incorporated town, except when an invitee thereon or
4 therein, for the purpose of the display of such weapon or
5 the lawful commerce in weapons, or except when on his land
6 or in his or her own abode, legal dwelling, or fixed place
7 of business, or on the land or in the legal dwelling of
8 another person as an invitee with that person's
9 permission, any pistol, revolver, stun gun, or taser or
10 other firearm, except that this subsection (a)(10) does
11 not apply to or affect transportation of weapons that meet
12 one of the following conditions:

13 (i) are broken down in a non-functioning state; or

14 (ii) are not immediately accessible; or

15 (iii) are unloaded and enclosed in a case, firearm
16 carrying box, shipping box, or other container by a
17 person who has been issued a currently valid Firearm
18 Owner's Identification Card; or

19 (iv) are carried or possessed in accordance with
20 the Firearm Concealed Carry Act by a person who has
21 been issued a currently valid license under the
22 Firearm Concealed Carry Act.

23 A "stun gun or taser", as used in this paragraph (a)
24 means (i) any device which is powered by electrical
25 charging units, such as, batteries, and which fires one or
26 several barbs attached to a length of wire and which, upon

1 hitting a human, can send out a current capable of
2 disrupting the person's nervous system in such a manner as
3 to render him incapable of normal functioning or (ii) any
4 device which is powered by electrical charging units, such
5 as batteries, and which, upon contact with a human or
6 clothing worn by a human, can send out current capable of
7 disrupting the person's nervous system in such a manner as
8 to render him incapable of normal functioning; or

9 (11) Sells, manufactures, delivers, imports,
10 possesses, or purchases any assault weapon attachment or
11 .50 caliber cartridge in violation of Section 24-1.9 or
12 any explosive bullet. For purposes of this paragraph (a)
13 "explosive bullet" means the projectile portion of an
14 ammunition cartridge which contains or carries an
15 explosive charge which will explode upon contact with the
16 flesh of a human or an animal. "Cartridge" means a tubular
17 metal case having a projectile affixed at the front
18 thereof and a cap or primer at the rear end thereof, with
19 the propellant contained in such tube between the
20 projectile and the cap; or

21 (12) (Blank); or

22 (13) Carries or possesses on or about his or her
23 person while in a building occupied by a unit of
24 government, a billy club, other weapon of like character,
25 or other instrument of like character intended for use as
26 a weapon. For the purposes of this Section, "billy club"

1 means a short stick or club commonly carried by police
2 officers which is either telescopic or constructed of a
3 solid piece of wood or other man-made material; or

4 (14) Manufactures, possesses, sells, or offers to
5 sell, purchase, manufacture, import, transfer, or use any
6 device, part, kit, tool, accessory, or combination of
7 parts that is designed to and functions to increase the
8 rate of fire of a semiautomatic firearm above the standard
9 rate of fire for semiautomatic firearms that is not
10 equipped with that device, part, or combination of parts;
11 or

12 (15) Carries or possesses any assault weapon or .50
13 caliber rifle in violation of Section 24-1.9; or

14 (16) Manufactures, sells, delivers, imports, or
15 purchases any assault weapon or .50 caliber rifle in
16 violation of Section 24-1.9.

17 (b) Sentence. A person convicted of a violation of
18 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
19 subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15)
20 commits a Class A misdemeanor. A person convicted of a
21 violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a
22 Class 4 felony; a person convicted of a violation of
23 subsection ~~24-1(a)(6)~~, 24-1(a)(7)(ii), 24-1(a)(7)(iii), or
24 24-1(a)(16) commits a Class 3 felony. A person convicted of a
25 violation of subsection 24-1(a)(7)(i) commits a Class 2 felony
26 and shall be sentenced to a term of imprisonment of not less

1 than 3 years and not more than 7 years, unless the weapon is
2 possessed in the passenger compartment of a motor vehicle as
3 defined in Section 1-146 of the Illinois Vehicle Code, or on
4 the person, while the weapon is loaded, in which case it shall
5 be a Class X felony. A person convicted of a second or
6 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),
7 24-1(a)(9), 24-1(a)(10), or 24-1(a)(15) commits a Class 3
8 felony. A person convicted of a violation of subsection
9 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2 felony. The
10 possession of each weapon or device in violation of this
11 Section constitutes a single and separate violation.

12 (c) Violations in specific places.

13 (1) A person who violates subsection ~~24-1(a)(6) or~~
14 24-1(a)(7) in any school, regardless of the time of day or
15 the time of year, in residential property owned, operated
16 or managed by a public housing agency or leased by a public
17 housing agency as part of a scattered site or mixed-income
18 development, in a public park, in a courthouse, on the
19 real property comprising any school, regardless of the
20 time of day or the time of year, on residential property
21 owned, operated or managed by a public housing agency or
22 leased by a public housing agency as part of a scattered
23 site or mixed-income development, on the real property
24 comprising any public park, on the real property
25 comprising any courthouse, in any conveyance owned, leased
26 or contracted by a school to transport students to or from

1 school or a school related activity, in any conveyance
2 owned, leased, or contracted by a public transportation
3 agency, or on any public way within 1,000 feet of the real
4 property comprising any school, public park, courthouse,
5 public transportation facility, or residential property
6 owned, operated, or managed by a public housing agency or
7 leased by a public housing agency as part of a scattered
8 site or mixed-income development commits a Class 2 felony
9 and shall be sentenced to a term of imprisonment of not
10 less than 3 years and not more than 7 years.

11 (1.5) A person who violates subsection 24-1(a)(4),
12 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
13 the time of day or the time of year, in residential
14 property owned, operated, or managed by a public housing
15 agency or leased by a public housing agency as part of a
16 scattered site or mixed-income development, in a public
17 park, in a courthouse, on the real property comprising any
18 school, regardless of the time of day or the time of year,
19 on residential property owned, operated, or managed by a
20 public housing agency or leased by a public housing agency
21 as part of a scattered site or mixed-income development,
22 on the real property comprising any public park, on the
23 real property comprising any courthouse, in any conveyance
24 owned, leased, or contracted by a school to transport
25 students to or from school or a school related activity,
26 in any conveyance owned, leased, or contracted by a public

1 transportation agency, or on any public way within 1,000
2 feet of the real property comprising any school, public
3 park, courthouse, public transportation facility, or
4 residential property owned, operated, or managed by a
5 public housing agency or leased by a public housing agency
6 as part of a scattered site or mixed-income development
7 commits a Class 3 felony.

8 (2) A person who violates subsection 24-1(a)(1),
9 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
10 time of day or the time of year, in residential property
11 owned, operated or managed by a public housing agency or
12 leased by a public housing agency as part of a scattered
13 site or mixed-income development, in a public park, in a
14 courthouse, on the real property comprising any school,
15 regardless of the time of day or the time of year, on
16 residential property owned, operated or managed by a
17 public housing agency or leased by a public housing agency
18 as part of a scattered site or mixed-income development,
19 on the real property comprising any public park, on the
20 real property comprising any courthouse, in any conveyance
21 owned, leased or contracted by a school to transport
22 students to or from school or a school related activity,
23 in any conveyance owned, leased, or contracted by a public
24 transportation agency, or on any public way within 1,000
25 feet of the real property comprising any school, public
26 park, courthouse, public transportation facility, or

1 residential property owned, operated, or managed by a
2 public housing agency or leased by a public housing agency
3 as part of a scattered site or mixed-income development
4 commits a Class 4 felony. "Courthouse" means any building
5 that is used by the Circuit, Appellate, or Supreme Court
6 of this State for the conduct of official business.

7 (3) Paragraphs (1), (1.5), and (2) of this subsection
8 (c) shall not apply to law enforcement officers or
9 security officers of such school, college, or university
10 or to students carrying or possessing firearms for use in
11 training courses, parades, hunting, target shooting on
12 school ranges, or otherwise with the consent of school
13 authorities and which firearms are transported unloaded
14 enclosed in a suitable case, box, or transportation
15 package.

16 (4) For the purposes of this subsection (c), "school"
17 means any public or private elementary or secondary
18 school, community college, college, or university.

19 (5) For the purposes of this subsection (c), "public
20 transportation agency" means a public or private agency
21 that provides for the transportation or conveyance of
22 persons by means available to the general public, except
23 for transportation by automobiles not used for conveyance
24 of the general public as passengers; and "public
25 transportation facility" means a terminal or other place
26 where one may obtain public transportation.

(d) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a)(7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:

(i) if such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or (ii) if such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his or her trade, then such presumption shall not apply to the driver.

(e) Exemptions.

(1) Crossbows, Common or Compound bows and Underwater Spearguns are exempted from the definition of ballistic knife as defined in paragraph (1) of subsection (a) of this Section.

(2) The provision of paragraph (1) of subsection (a) of this Section prohibiting the sale, manufacture, purchase, possession, or carrying of any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, does not apply to a person who possesses a currently valid Firearm Owner's Identification Card previously issued in his or her name by the Illinois State Police or to a person or an

1 entity engaged in the business of selling or manufacturing
2 switchblade knives.

3 (Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23;
4 103-822, eff. 1-1-25.)

5 (720 ILCS 5/24-1.2-5)

6 Sec. 24-1.2-5. Aggravated discharge of a machine gun ~~or a~~
7 ~~firearm equipped with a device designed or used for silencing~~
8 ~~the report of a firearm~~.

9 (a) A person commits aggravated discharge of a machine gun
10 ~~or a firearm equipped with a device designed or used for~~
11 ~~silencing the report of a firearm~~ when he or she knowingly or
12 intentionally:

13 (1) Discharges a machine gun ~~or a firearm equipped~~
14 ~~with a device designed or used for silencing the report of~~
15 ~~a firearm~~ at or into a building he or she knows to be
16 occupied and the machine gun ~~or the firearm equipped with~~
17 ~~a device designed or used for silencing the report of a~~
18 ~~firearm~~ is discharged from a place or position outside
19 that building;

20 (2) Discharges a machine gun ~~or a firearm equipped~~
21 ~~with a device designed or used for silencing the report of~~
22 ~~a firearm~~ in the direction of another person or in the
23 direction of a vehicle he or she knows to be occupied;

24 (3) Discharges a machine gun ~~or a firearm equipped~~
25 ~~with a device designed or used for silencing the report of~~

1 ~~a firearm~~ in the direction of a person he or she knows to
2 be a peace officer, a person summoned or directed by a
3 peace officer, a correctional institution employee, or a
4 fireman while the officer, employee or fireman is engaged
5 in the execution of any of his or her official duties, or
6 to prevent the officer, employee or fireman from
7 performing his or her official duties, or in retaliation
8 for the officer, employee or fireman performing his or her
9 official duties;

10 (4) Discharges a machine gun ~~or a firearm equipped~~
11 ~~with a device designed or used for silencing the report of~~
12 ~~a firearm~~ in the direction of a vehicle he or she knows to
13 be occupied by a peace officer, a person summoned or
14 directed by a peace officer, a correctional institution
15 employee or a fireman while the officer, employee or
16 fireman is engaged in the execution of any of his or her
17 official duties, or to prevent the officer, employee or
18 fireman from performing his or her official duties, or in
19 retaliation for the officer, employee or fireman
20 performing his or her official duties;

21 (5) Discharges a machine gun ~~or a firearm equipped~~
22 ~~with a device designed or used for silencing the report of~~
23 ~~a firearm~~ in the direction of a person he or she knows to
24 be emergency medical services personnel while the
25 emergency medical services personnel is engaged in the
26 execution of any of his or her official duties, or to

1 prevent the emergency medical services personnel from
2 performing his or her official duties, or in retaliation
3 for the emergency medical services personnel performing
4 his or her official duties;

5 (6) Discharges a machine gun ~~or a firearm equipped~~
6 ~~with a device designed or used for silencing the report of~~
7 ~~a firearm~~ in the direction of a vehicle he or she knows to
8 be occupied by emergency medical services personnel, while
9 the emergency medical services personnel is engaged in the
10 execution of any of his or her official duties, or to
11 prevent the emergency medical services personnel from
12 performing his or her official duties, or in retaliation
13 for the emergency medical services personnel performing
14 his or her official duties;

15 (7) Discharges a machine gun ~~or a firearm equipped~~
16 ~~with a device designed or used for silencing the report of~~
17 ~~a firearm~~ in the direction of a person he or she knows to
18 be an emergency management worker while the emergency
19 management worker is engaged in the execution of any of
20 his or her official duties, or to prevent the emergency
21 management worker from performing his or her official
22 duties, or in retaliation for the emergency management
23 worker performing his or her official duties; or

24 (8) Discharges a machine gun ~~or a firearm equipped~~
25 ~~with a device designed or used for silencing the report of~~
26 ~~a firearm~~ in the direction of a vehicle he or she knows to

1 be occupied by an emergency management worker while the
2 emergency management worker is engaged in the execution of
3 any of his or her official duties, or to prevent the
4 emergency management worker from performing his or her
5 official duties, or in retaliation for the emergency
6 management worker performing his or her official duties.

7 (b) A violation of subsection (a) (1) or subsection (a)
8 (2) of this Section is a Class X felony. A violation of
9 subsection (a) (3), (a) (4), (a) (5), (a) (6), (a) (7), or (a)
10 (8) of this Section is a Class X felony for which the sentence
11 shall be a term of imprisonment of no less than 12 years and no
12 more than 50 years.

13 (c) For the purpose of this Section:

14 "Emergency medical services personnel" has the meaning
15 specified in Section 3.5 of the Emergency Medical Services
16 (EMS) Systems Act and shall include all ambulance crew
17 members, including drivers or pilots.

18 "Machine gun" has the meaning ascribed to it in clause
19 (i) of paragraph (7) of subsection (a) of Section 24-1 of
20 this Code.

21 (d) This Section does not apply to a peace officer while
22 serving as a member of a tactical response team or special
23 operations team. ~~A peace officer may not personally own or~~
~~apply for ownership of a device or attachment of any kind~~
~~designed, used, or intended for use in silencing the report of~~
~~any firearm. These devices shall be owned and maintained by~~

1 ~~lawfully recognized units of government whose duties include~~
2 ~~the investigation of criminal acts.~~

3 (Source: P.A. 99-816, eff. 8-15-16.)

4 (720 ILCS 5/24-2)

5 Sec. 24-2. Exemptions.

6 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
7 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
8 the following:

9 (1) Peace officers, and any person summoned by a peace
10 officer to assist in making arrests or preserving the
11 peace, while actually engaged in assisting such officer.

12 (2) Wardens, superintendents, and keepers of prisons,
13 penitentiaries, jails, and other institutions for the
14 detention of persons accused or convicted of an offense,
15 while in the performance of their official duty, or while
16 commuting between their homes and places of employment.

17 (3) Members of the Armed Services or Reserve Forces of
18 the United States or the Illinois National Guard or the
19 Reserve Officers Training Corps, while in the performance
20 of their official duty.

21 (4) Special agents employed by a railroad or a public
22 utility to perform police functions, and guards of armored
23 car companies, while actually engaged in the performance
24 of the duties of their employment or commuting between
25 their homes and places of employment; and watchmen while

1 actually engaged in the performance of the duties of their
2 employment.

3 (5) Persons licensed as private security contractors,
4 private detectives, or private alarm contractors, or
5 employed by a private security contractor, private
6 detective, or private alarm contractor agency licensed by
7 the Department of Financial and Professional Regulation,
8 if their duties include the carrying of a weapon under the
9 provisions of the Private Detective, Private Alarm,
10 Private Security, Fingerprint Vendor, and Locksmith Act of
11 2004, while actually engaged in the performance of the
12 duties of their employment or commuting between their
13 homes and places of employment. A person shall be
14 considered eligible for this exemption if he or she has
15 completed the required 20 hours of training for a private
16 security contractor, private detective, or private alarm
17 contractor, or employee of a licensed private security
18 contractor, private detective, or private alarm contractor
19 agency and 28 hours of required firearm training, and has
20 been issued a firearm control card by the Department of
21 Financial and Professional Regulation. Conditions for the
22 renewal of firearm control cards issued under the
23 provisions of this Section shall be the same as for those
24 cards issued under the provisions of the Private
25 Detective, Private Alarm, Private Security, Fingerprint
26 Vendor, and Locksmith Act of 2004. The firearm control

1 card shall be carried by the private security contractor,
2 private detective, or private alarm contractor, or
3 employee of the licensed private security contractor,
4 private detective, or private alarm contractor agency at
5 all times when he or she is in possession of a concealable
6 weapon permitted by his or her firearm control card.

7 (6) Any person regularly employed in a commercial or
8 industrial operation as a security guard for the
9 protection of persons employed and private property
10 related to such commercial or industrial operation, while
11 actually engaged in the performance of his or her duty or
12 traveling between sites or properties belonging to the
13 employer, and who, as a security guard, is a member of a
14 security force registered with the Department of Financial
15 and Professional Regulation; provided that such security
16 guard has successfully completed a course of study,
17 approved by and supervised by the Department of Financial
18 and Professional Regulation, consisting of not less than
19 48 hours of training that includes the theory of law
20 enforcement, liability for acts, and the handling of
21 weapons. A person shall be considered eligible for this
22 exemption if he or she has completed the required 20 hours
23 of training for a security officer and 28 hours of
24 required firearm training, and has been issued a firearm
25 control card by the Department of Financial and
26 Professional Regulation. Conditions for the renewal of

1 firearm control cards issued under the provisions of this
2 Section shall be the same as for those cards issued under
3 the provisions of the Private Detective, Private Alarm,
4 Private Security, Fingerprint Vendor, and Locksmith Act of
5 2004. The firearm control card shall be carried by the
6 security guard at all times when he or she is in possession
7 of a concealable weapon permitted by his or her firearm
8 control card.

9 (7) Agents and investigators of the Illinois
10 Legislative Investigating Commission authorized by the
11 Commission to carry the weapons specified in subsections
12 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
13 any investigation for the Commission.

14 (8) Persons employed by a financial institution as a
15 security guard for the protection of other employees and
16 property related to such financial institution, while
17 actually engaged in the performance of their duties,
18 commuting between their homes and places of employment, or
19 traveling between sites or properties owned or operated by
20 such financial institution, and who, as a security guard,
21 is a member of a security force registered with the
22 Department; provided that any person so employed has
23 successfully completed a course of study, approved by and
24 supervised by the Department of Financial and Professional
25 Regulation, consisting of not less than 48 hours of
26 training which includes theory of law enforcement,

1 liability for acts, and the handling of weapons. A person
2 shall be considered to be eligible for this exemption if
3 he or she has completed the required 20 hours of training
4 for a security officer and 28 hours of required firearm
5 training, and has been issued a firearm control card by
6 the Department of Financial and Professional Regulation.
7 Conditions for renewal of firearm control cards issued
8 under the provisions of this Section shall be the same as
9 for those issued under the provisions of the Private
10 Detective, Private Alarm, Private Security, Fingerprint
11 Vendor, and Locksmith Act of 2004. The firearm control
12 card shall be carried by the security guard at all times
13 when he or she is in possession of a concealable weapon
14 permitted by his or her firearm control card. For purposes
15 of this subsection, "financial institution" means a bank,
16 savings and loan association, credit union, or company
17 providing armored car services.

18 (9) Any person employed by an armored car company to
19 drive an armored car, while actually engaged in the
20 performance of his duties.

21 (10) Persons who have been classified as peace
22 officers pursuant to the Peace Officer Fire Investigation
23 Act.

24 (11) Investigators of the Office of the State's
25 Attorneys Appellate Prosecutor authorized by the board of
26 governors of the Office of the State's Attorneys Appellate

Prosecutor to carry weapons pursuant to Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(12) Special investigators appointed by a State's Attorney under Section 3-9005 of the Counties Code.

(12.5) Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed, if they have received weapons training according to requirements of the Peace Officer and Probation Officer Firearm Training Act.

(13) Court security officers ~~Security Officers~~ while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the sheriff Sheriff.

(13.5) A person employed as an armed security guard at a nuclear energy, storage, weapons, or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

(14) Manufacture, transportation, or sale of weapons to persons authorized under subdivisions (1) through (13.5) of this subsection to possess those weapons.

(a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply

1 to or affect any person carrying a concealed pistol, revolver,
2 or handgun and the person has been issued a currently valid
3 license under the Firearm Concealed Carry Act at the time of
4 the commission of the offense.

5 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
6 to or affect a qualified current or retired law enforcement
7 officer or a current or retired deputy, county correctional
8 officer, or correctional officer of the Department of
9 Corrections qualified under the laws of this State or under
10 the federal Law Enforcement Officers Safety Act.

11 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
12 24-1.6 do not apply to or affect any of the following:

13 (1) Members of any club or organization organized for
14 the purpose of practicing shooting at targets upon
15 established target ranges, whether public or private, and
16 patrons of such ranges, while such members or patrons are
17 using their firearms on those target ranges.

18 (2) Duly authorized military or civil organizations
19 while parading, with the special permission of the
20 Governor.

21 (3) Hunters, trappers, or fishermen while engaged in
22 lawful hunting, trapping, or fishing under the provisions
23 of the Wildlife Code or the Fish and Aquatic Life Code.

24 (4) Transportation of weapons that are broken down in
25 a non-functioning state or are not immediately accessible.

26 (5) Carrying or possessing any pistol, revolver, stun

1 gun or taser or other firearm on the land or in the legal
2 dwelling of another person as an invitee with that
3 person's permission.

4 (c) Subsection 24-1(a)(7) does not apply to or affect any
5 of the following:

6 (1) Peace officers while in performance of their
7 official duties.

8 (2) Wardens, superintendents, and keepers of prisons,
9 penitentiaries, jails, and other institutions for the
10 detention of persons accused or convicted of an offense.

11 (3) Members of the Armed Services or Reserve Forces of
12 the United States or the Illinois National Guard, while in
13 the performance of their official duty.

14 (4) Manufacture, transportation, or sale of machine
15 guns to persons authorized under subdivisions (1) through
16 (3) of this subsection to possess machine guns, if the
17 machine guns are broken down in a non-functioning state or
18 are not immediately accessible.

19 (5) Persons licensed under federal law to manufacture
20 any weapon from which 8 or more shots or bullets can be
21 discharged by a single function of the firing device, or
22 ammunition for such weapons, and actually engaged in the
23 business of manufacturing such weapons or ammunition, but
24 only with respect to activities which are within the
25 lawful scope of such business, such as the manufacture,
26 transportation, or testing of such weapons or ammunition.

1 This exemption does not authorize the general private
2 possession of any weapon from which 8 or more shots or
3 bullets can be discharged by a single function of the
4 firing device, but only such possession and activities as
5 are within the lawful scope of a licensed manufacturing
6 business described in this paragraph.

7 During transportation, such weapons shall be broken
8 down in a non-functioning state or not immediately
9 accessible.

10 (6) The manufacture, transport, testing, delivery,
11 transfer, or sale, and all lawful commercial or
12 experimental activities necessary thereto, of rifles,
13 shotguns, and weapons made from rifles or shotguns, or
14 ammunition for such rifles, shotguns, or weapons, where
15 engaged in by a person operating as a contractor or
16 subcontractor pursuant to a contract or subcontract for
17 the development and supply of such rifles, shotguns,
18 weapons, or ammunition to the United States government or
19 any branch of the Armed Forces of the United States, when
20 such activities are necessary and incident to fulfilling
21 the terms of such contract.

22 The exemption granted under this subdivision (c)(6)
23 shall also apply to any authorized agent of any such
24 contractor or subcontractor who is operating within the
25 scope of his employment, where such activities involving
26 such weapon, weapons, or ammunition are necessary and

1 incident to fulfilling the terms of such contract.

2 (7) A person possessing a rifle with a barrel or
3 barrels less than 16 inches in length if: (A) the person
4 has been issued a Curios and Relics license from the U.S.
5 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
6 (B) the person is an active member of a bona fide,
7 nationally recognized military re-enacting group and the
8 modification is required and necessary to accurately
9 portray the weapon for historical re-enactment purposes;
10 the re-enactor is in possession of a valid and current
11 re-enacting group membership credential; and the overall
12 length of the weapon as modified is not less than 26
13 inches.

14 (d) Subsection 24-1(a)(1) does not apply to the purchase,
15 possession or carrying of a black-jack or slung-shot by a
16 peace officer.

17 (e) Subsection 24-1(a)(8) does not apply to any owner,
18 manager, or authorized employee of any place specified in that
19 subsection nor to any law enforcement officer.

20 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
21 Section 24-1.6 do not apply to members of any club or
22 organization organized for the purpose of practicing shooting
23 at targets upon established target ranges, whether public or
24 private, while using their firearms on those target ranges.

25 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
26 to:

(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(2) Bonafide collectors of antique or surplus military ordnance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordnance.

(4) Commerce, preparation, assembly, or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subdivision (g)(1) of this Section, or like organizations and persons outside this State, or the transportation of explosive bullets to any organization or person exempted in this Section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(g-5) (Blank). Subsection 24 1(a)(6) does not apply to or affect persons licensed under federal law to manufacture any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, firearms, or ammunition for those firearms equipped with those devices, and actually engaged in the business of manufacturing those devices, firearms, or ammunition, but only with respect to activities that are within the lawful scope of that business, such as the manufacture, transportation, or testing of those

1 devices, firearms, or ammunition. This exemption does not
2 authorize the general private possession of any device or
3 attachment of any kind designed, used, or intended for use in
4 silencing the report of any firearm, but only such possession
5 and activities as are within the lawful scope of a licensed
6 manufacturing business described in this subsection (g 5).
7 During transportation, these devices shall be detached from
8 any weapon or not immediately accessible.

9 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
10 24-1.6 do not apply to or affect any parole agent or parole
11 supervisor who meets the qualifications and conditions
12 prescribed in Section 3-14-1.5 of the Unified Code of
13 Corrections.

14 (g-7) (Blank). Subsection 24-1(a)(6) does not apply to a
15 peace officer while serving as a member of a tactical response
16 team or special operations team. A peace officer may not
17 personally own or apply for ownership of a device or
18 attachment of any kind designed, used, or intended for use in
19 silencing the report of any firearm. These devices shall be
20 owned and maintained by lawfully recognized units of
21 government whose duties include the investigation of criminal
22 acts.

23 (g-10) (Blank).

24 (h) An information or indictment based upon a violation of
25 any subsection of this Article need not negate negative any
26 exemptions contained in this Article. The defendant shall have

1 the burden of proving such an exemption.

2 (i) Nothing in this Article shall prohibit, apply to, or
3 affect the transportation, carrying, or possession~~s~~ of any
4 pistol or revolver, stun gun, taser, or other firearm
5 consigned to a common carrier operating under license of the
6 State of Illinois or the federal government, where such
7 transportation, carrying, or possession is incident to the
8 lawful transportation in which such common carrier is engaged;
9 and nothing in this Article shall prohibit, apply to, or
10 affect the transportation, carrying, or possession of any
11 pistol, revolver, stun gun, taser, or other firearm, not the
12 subject of and regulated by subsection 24-1(a)(7) or
13 subsection 24-2(c) of this Article, which is unloaded and
14 enclosed in a case, firearm carrying box, shipping box, or
15 other container, by the possessor of a valid Firearm Owners
16 Identification Card.

17 (Source: P.A. 102-152, eff. 1-1-22; 102-779, eff. 1-1-23;
18 102-837, eff. 5-13-22; 103-154, eff. 6-30-23; revised
19 7-22-24.)

20 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

21 Sec. 36-1. Property subject to forfeiture.

22 (a) Any vessel or watercraft, vehicle, or aircraft is
23 subject to forfeiture under this Article if the vessel or
24 watercraft, vehicle, or aircraft is used with the knowledge
25 and consent of the owner in the commission of or in the attempt

1 to commit as defined in Section 8-4 of this Code:

2 (1) an offense prohibited by Section 9-1 (first degree
3 murder), Section 9-3 (involuntary manslaughter and
4 reckless homicide), Section 10-2 (aggravated kidnaping),
5 Section 11-1.20 (criminal sexual assault), Section 11-1.30
6 (aggravated criminal sexual assault), Section 11-1.40
7 (predatory criminal sexual assault of a child), subsection
8 (a) of Section 11-1.50 (criminal sexual abuse), subsection
9 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
10 sexual abuse), Section 11-6 (indecent solicitation of a
11 child), Section 11-14.4 (promoting juvenile prostitution
12 except for keeping a place of juvenile prostitution),
13 Section 11-20.1 (child pornography), paragraph (a) (1),
14 (a) (2), (a) (4), (b) (1), (b) (2), (e) (1), (e) (2), (e) (3),
15 (e) (4), (e) (5), (e) (6), or (e) (7) of Section 12-3.05
16 (aggravated battery), Section 12-7.3 (stalking), Section
17 12-7.4 (aggravated stalking), Section 16-1 (theft if the
18 theft is of precious metal or of scrap metal), subdivision
19 (f) (2) or (f) (3) of Section 16-25 (retail theft), Section
20 18-2 (armed robbery), Section 19-1 (burglary), Section
21 19-2 (possession of burglary tools), Section 19-3
22 (residential burglary), Section 20-1 (arson; residential
23 arson; place of worship arson), Section 20-2 (possession
24 of explosives or explosive or incendiary devices),
25 subdivision ~~(a) (6)~~ or (a) (7) of Section 24-1 (unlawful
26 possession of weapons), Section 24-1.2 (aggravated

1 discharge of a firearm), Section 24-1.2-5 (aggravated
2 discharge of a machine gun ~~or a firearm equipped with a~~
3 ~~device designed or used for silencing the report of a~~
4 ~~firearm~~), Section 24-1.5 (reckless discharge of a
5 firearm), Section 28-1 (gambling), or Section 29D-15.2
6 (possession of a deadly substance) of this Code;

7 (2) an offense prohibited by Section 21, 22, 23, 24 or
8 26 of the Cigarette Tax Act if the vessel or watercraft,
9 vehicle, or aircraft contains more than 10 cartons of such
10 cigarettes;

11 (3) an offense prohibited by Section 28, 29, or 30 of
12 the Cigarette Use Tax Act if the vessel or watercraft,
13 vehicle, or aircraft contains more than 10 cartons of such
14 cigarettes;

15 (4) an offense prohibited by Section 44 of the
16 Environmental Protection Act;

17 (5) an offense prohibited by Section 11-204.1 of the
18 Illinois Vehicle Code (aggravated fleeing or attempting to
19 elude a peace officer);

20 (6) an offense prohibited by Section 11-501 of the
21 Illinois Vehicle Code (driving while under the influence
22 of alcohol or other drug or drugs, intoxicating compound
23 or compounds or any combination thereof) or a similar
24 provision of a local ordinance, and:

25 (A) during a period in which his or her driving
26 privileges are revoked or suspended if the revocation

1 or suspension was for:

2 (i) Section 11-501 (driving under the
3 influence of alcohol or other drug or drugs,
4 intoxicating compound or compounds or any
5 combination thereof),

6 (ii) Section 11-501.1 (statutory summary
7 suspension or revocation),

8 (iii) paragraph (b) of Section 11-401 (motor
9 vehicle crashes involving death or personal
10 injuries), or

11 (iv) reckless homicide as defined in Section
12 9-3 of this Code;

13 (B) has been previously convicted of reckless
14 homicide or a similar provision of a law of another
15 state relating to reckless homicide in which the
16 person was determined to have been under the influence
17 of alcohol, other drug or drugs, or intoxicating
18 compound or compounds as an element of the offense or
19 the person has previously been convicted of committing
20 a violation of driving under the influence of alcohol
21 or other drug or drugs, intoxicating compound or
22 compounds or any combination thereof and was involved
23 in a motor vehicle crash that resulted in death, great
24 bodily harm, or permanent disability or disfigurement
25 to another, when the violation was a proximate cause
26 of the death or injuries;

(C) the person committed a violation of driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision for the third or subsequent time;

(D) he or she did not possess a valid driver's license or permit or a valid restricted driving permit or a valid judicial driving permit or a valid monitoring device driving permit; or

(E) he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy;

(7) an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code;

(8) an offense described in subsection (e) of Section 6-101 of the Illinois Vehicle Code; or

(9) (A) operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof under Section 5-16 of the Boat Registration and Safety Act during a period in which his or her privileges to operate a watercraft are revoked or suspended and the revocation or suspension was for operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof; (B) operating a watercraft under

1 the influence of alcohol, other drug or drugs,
2 intoxicating compound or compounds, or combination thereof
3 and has been previously convicted of reckless homicide or
4 a similar provision of a law in another state relating to
5 reckless homicide in which the person was determined to
6 have been under the influence of alcohol, other drug or
7 drugs, intoxicating compound or compounds, or combination
8 thereof as an element of the offense or the person has
9 previously been convicted of committing a violation of
10 operating a watercraft under the influence of alcohol,
11 other drug or drugs, intoxicating compound or compounds,
12 or combination thereof and was involved in an accident
13 that resulted in death, great bodily harm, or permanent
14 disability or disfigurement to another, when the violation
15 was a proximate cause of the death or injuries; or (C) the
16 person committed a violation of operating a watercraft
17 under the influence of alcohol, other drug or drugs,
18 intoxicating compound or compounds, or combination thereof
19 under Section 5-16 of the Boat Registration and Safety Act
20 or a similar provision for the third or subsequent time.

21 (b) In addition, any mobile or portable equipment used in
22 the commission of an act which is in violation of Section 7g of
23 the Metropolitan Water Reclamation District Act shall be
24 subject to seizure and forfeiture under the same procedures
25 provided in this Article for the seizure and forfeiture of
26 vessels or watercraft, vehicles, and aircraft, and any such

1 equipment shall be deemed a vessel or watercraft, vehicle, or
2 aircraft for purposes of this Article.

3 (c) In addition, when a person discharges a firearm at
4 another individual from a vehicle with the knowledge and
5 consent of the owner of the vehicle and with the intent to
6 cause death or great bodily harm to that individual and as a
7 result causes death or great bodily harm to that individual,
8 the vehicle shall be subject to seizure and forfeiture under
9 the same procedures provided in this Article for the seizure
10 and forfeiture of vehicles used in violations of clauses (1),
11 (2), (3), or (4) of subsection (a) of this Section.

12 (d) If the spouse of the owner of a vehicle seized for an
13 offense described in subsection (g) of Section 6-303 of the
14 Illinois Vehicle Code, a violation of subdivision (d) (1) (A),
15 (d) (1) (D), (d) (1) (G), (d) (1) (H), or (d) (1) (I) of Section
16 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
17 Code makes a showing that the seized vehicle is the only source
18 of transportation and it is determined that the financial
19 hardship to the family as a result of the seizure outweighs the
20 benefit to the State from the seizure, the vehicle may be
21 forfeited to the spouse or family member and the title to the
22 vehicle shall be transferred to the spouse or family member
23 who is properly licensed and who requires the use of the
24 vehicle for employment or family transportation purposes. A
25 written declaration of forfeiture of a vehicle under this
26 Section shall be sufficient cause for the title to be

1 transferred to the spouse or family member. The provisions of
2 this paragraph shall apply only to one forfeiture per vehicle.
3 If the vehicle is the subject of a subsequent forfeiture
4 proceeding by virtue of a subsequent conviction of either
5 spouse or the family member, the spouse or family member to
6 whom the vehicle was forfeited under the first forfeiture
7 proceeding may not utilize the provisions of this paragraph in
8 another forfeiture proceeding. If the owner of the vehicle
9 seized owns more than one vehicle, the procedure set out in
10 this paragraph may be used for only one vehicle.

11 (e) In addition, property subject to forfeiture under
12 Section 40 of the Illinois Streetgang Terrorism Omnibus
13 Prevention Act may be seized and forfeited under this Article.

14 (Source: P.A. 102-982, eff. 7-1-23; 103-822, eff. 1-1-25.)

15 Section 10. The Code of Criminal Procedure of 1963 is
16 amended by changing Section 110-6.1 as follows:

17 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

18 Sec. 110-6.1. Denial of pretrial release.

19 (a) Upon verified petition by the State, the court shall
20 hold a hearing and may deny a defendant pretrial release only
21 if:

22 (1) the defendant is charged with a felony offense
23 other than a forcible felony for which, based on the
24 charge or the defendant's criminal history, a sentence of

1 imprisonment, without probation, periodic imprisonment, or
2 conditional discharge, is required by law upon conviction,
3 and it is alleged that the defendant's pretrial release
4 poses a real and present threat to the safety of any person
5 or persons or the community, based on the specific
6 articulable facts of the case;

7 (1.5) the defendant's pretrial release poses a real
8 and present threat to the safety of any person or persons
9 or the community, based on the specific articulable facts
10 of the case, and the defendant is charged with a forcible
11 felony, which as used in this Section, means treason,
12 first degree murder, second degree murder, predatory
13 criminal sexual assault of a child, aggravated criminal
14 sexual assault, criminal sexual assault, armed robbery,
15 aggravated robbery, robbery, burglary where there is use
16 of force against another person, residential burglary,
17 home invasion, vehicular invasion, aggravated arson,
18 arson, aggravated kidnaping, kidnaping, aggravated battery
19 resulting in great bodily harm or permanent disability or
20 disfigurement, or any other felony which involves the
21 threat of or infliction of great bodily harm or permanent
22 disability or disfigurement;

23 (2) the defendant is charged with stalking or
24 aggravated stalking, and it is alleged that the
25 defendant's pre-trial release poses a real and present
26 threat to the safety of a victim of the alleged offense,

1 and denial of release is necessary to prevent fulfillment
2 of the threat upon which the charge is based;

3 (3) the defendant is charged with a violation of an
4 order of protection issued under Section 112A-14 of this
5 Code or Section 214 of the Illinois Domestic Violence Act
6 of 1986, a stalking no contact order under Section 80 of
7 the Stalking No Contact Order Act, or ~~or~~ a civil no contact
8 order under Section 213 of the Civil No Contact Order Act,
9 and it is alleged that the defendant's pretrial release
10 poses a real and present threat to the safety of any person
11 or persons or the community, based on the specific
12 articulable facts of the case;

13 (4) the defendant is charged with domestic battery or
14 aggravated domestic battery under Section 12-3.2 or 12-3.3
15 of the Criminal Code of 2012 and it is alleged that the
16 defendant's pretrial release poses a real and present
17 threat to the safety of any person or persons or the
18 community, based on the specific articulable facts of the
19 case;

20 (5) the defendant is charged with any offense under
21 Article 11 of the Criminal Code of 2012, except for
22 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,
23 11-40, and 11-45 of the Criminal Code of 2012, or similar
24 provisions of the Criminal Code of 1961 and it is alleged
25 that the defendant's pretrial release poses a real and
26 present threat to the safety of any person or persons or

1 the community, based on the specific articulable facts of
2 the case;

3 (6) the defendant is charged with any of the following
4 offenses under the Criminal Code of 2012, and it is
5 alleged that the defendant's pretrial release poses a real
6 and present threat to the safety of any person or persons
7 or the community, based on the specific articulable facts
8 of the case:

9 (A) Section 24-1.2 (aggravated discharge of a
10 firearm);

11 (B) Section 24-1.2-5 ~~24-2.5~~ (aggravated discharge
12 of a machine gun ~~or a firearm equipped with a device~~
13 ~~designed or use for silencing the report of a~~
14 ~~firearm~~);

15 (C) Section 24-1.5 (reckless discharge of a
16 firearm);

17 (D) Section 24-1.7 (unlawful possession of a
18 firearm by a repeat felony offender);

19 (E) Section 24-2.2 (manufacture, sale, or transfer
20 of bullets or shells represented to be armor piercing
21 bullets, dragon's breath shotgun shells, bolo shells,
22 or flechette shells);

23 (F) Section 24-3 (unlawful sale or delivery of
24 firearms);

25 (G) Section 24-3.3 (unlawful sale or delivery of
26 firearms on the premises of any school);

(H) Section 24-34 (unlawful sale of firearms by liquor license);

(I) Section 24-3.5 (unlawful purchase of a firearm);

(J) Section 24-3A (gunrunning);

(K) Section 24-3B (firearms trafficking);

(L) Section 10-9 (b) (involuntary servitude);

(M) Section 10-9 (c) (involuntary sexual servitude of a minor);

(N) Section 10-9(d) (trafficking in persons);

(O) Non-probationable violations: (i) unlawful possession of weapons by felons or persons in the custody of the Department of Corrections facilities (Section 24-1.1), (ii) aggravated unlawful possession of a weapon (Section 24-1.6), or (iii) aggravated possession of a stolen firearm (Section 24-3.9);

(P) Section 9-3 (reckless homicide and involuntary manslaughter);

(Q) Section 19-3 (residential burglary);

(R) Section 10-5 (child abduction);

(S) Felony violations of Section 12C-5 (child endangerment);

(T) Section 12-7.1 (hate crime);

(U) Section 10-3.1 (aggravated unlawful restraint);

(V) Section 12-9 (threatening a public official);

(W) Subdivision (f)(1) of Section 12-3.05
(aggravated battery with a deadly weapon other than by
discharge of a firearm);

(6.5) the defendant is charged with any of the following offenses, and it is alleged that the defendant's pretrial release poses a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case:

(A) Felony violations of Sections 3.01, 3.02, or 3.03 of the Humane Care for Animals Act (cruel treatment, aggravated cruelty, and animal torture);

(B) Subdivision (d) (1) (B) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence while operating a school bus with passengers);

(C) Subdivision (d) (1) (C) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence causing great bodily harm);

(D) Subdivision (d)(1)(D) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence after a previous reckless homicide conviction);

(E) Subdivision (d) (1) (F) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence leading to death); or

(F) Subdivision (d) (1) (J) of Section 11-501 of the

1 Illinois Vehicle Code (aggravated driving under the
2 influence that resulted in bodily harm to a child
3 under the age of 16);

4 (7) the defendant is charged with an attempt to commit
5 any charge listed in paragraphs (1) through (6.5), and it
6 is alleged that the defendant's pretrial release poses a
7 real and present threat to the safety of any person or
8 persons or the community, based on the specific
9 articulable facts of the case; or

10 (8) the person has a high likelihood of willful flight
11 to avoid prosecution and is charged with:

12 (A) Any felony described in subdivisions (a)(1)
13 through (a)(7) of this Section; or

14 (B) A felony offense other than a Class 4 offense.

15 (b) If the charged offense is a felony, as part of the
16 detention hearing, the court shall determine whether there is
17 probable cause the defendant has committed an offense, unless
18 a hearing pursuant to Section 109-3 of this Code has already
19 been held or a grand jury has returned a true bill of
20 indictment against the defendant. If there is a finding of no
21 probable cause, the defendant shall be released. No such
22 finding is necessary if the defendant is charged with a
23 misdemeanor.

24 (c) Timing of petition.

25 (1) A petition may be filed without prior notice to
26 the defendant at the first appearance before a judge, or

1 within the 21 calendar days, except as provided in Section
2 110-6, after arrest and release of the defendant upon
3 reasonable notice to defendant; provided that while such
4 petition is pending before the court, the defendant if
5 previously released shall not be detained.

6 (2) Upon filing, the court shall immediately hold a
7 hearing on the petition unless a continuance is requested.
8 If a continuance is requested and granted, the hearing
9 shall be held within 48 hours of the defendant's first
10 appearance if the defendant is charged with first degree
11 murder or a Class X, Class 1, Class 2, or Class 3 felony,
12 and within 24 hours if the defendant is charged with a
13 Class 4 or misdemeanor offense. The Court may deny or
14 grant the request for continuance. If the court decides to
15 grant the continuance, the Court retains the discretion to
16 detain or release the defendant in the time between the
17 filing of the petition and the hearing.

18 (d) Contents of petition.

19 (1) The petition shall be verified by the State and
20 shall state the grounds upon which it contends the
21 defendant should be denied pretrial release, including the
22 real and present threat to the safety of any person or
23 persons or the community, based on the specific
24 articulable facts or flight risk, as appropriate.

25 (2) If the State seeks to file a second or subsequent
26 petition under this Section, the State shall be required

1 to present a verified application setting forth in detail
2 any new facts not known or obtainable at the time of the
3 filing of the previous petition.

4 (e) Eligibility: All defendants shall be presumed eligible
5 for pretrial release, and the State shall bear the burden of
6 proving by clear and convincing evidence that:

7 (1) the proof is evident or the presumption great that
8 the defendant has committed an offense listed in
9 subsection (a), and

10 (2) for offenses listed in paragraphs (1) through (7)
11 of subsection (a), the defendant poses a real and present
12 threat to the safety of any person or persons or the
13 community, based on the specific articulable facts of the
14 case, by conduct which may include, but is not limited to,
15 a forcible felony, the obstruction of justice,
16 intimidation, injury, or abuse as defined by paragraph (1)
17 of Section 103 of the Illinois Domestic Violence Act of
18 1986, and

19 (3) no condition or combination of conditions set
20 forth in subsection (b) of Section 110-10 of this Article
21 can mitigate (i) the real and present threat to the safety
22 of any person or persons or the community, based on the
23 specific articulable facts of the case, for offenses
24 listed in paragraphs (1) through (7) of subsection (a), or
25 (ii) the defendant's willful flight for offenses listed in
26 paragraph (8) of subsection (a), and

(4) for offenses under subsection (b) of Section 407 of the Illinois Controlled Substances Act that are subject to paragraph (1) of subsection (a), no condition or combination of conditions set forth in subsection (b) of Section 110-10 of this Article can mitigate the real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, and the defendant poses a serious risk to not appear in court as required.

(f) Conduct of the hearings.

(1) Prior to the hearing, the State shall tender to the defendant copies of the defendant's criminal history available, any written or recorded statements, and the substance of any oral statements made by any person, if relied upon by the State in its petition, and any police reports in the prosecutor's possession at the time of the hearing.

(2) The State or defendant may present evidence at the hearing by way of proffer based upon reliable information.

(3) The defendant has the right to be represented by counsel, and if he or she is indigent, to have counsel appointed for him or her. The defendant shall have the opportunity to testify, to present witnesses on his or her own behalf, and to cross-examine any witnesses that are called by the State. Defense counsel shall be given adequate opportunity to confer with the defendant before

1 any hearing at which conditions of release or the
2 detention of the defendant are to be considered, with an
3 accommodation for a physical condition made to facilitate
4 attorney/client consultation. If defense counsel needs to
5 confer or consult with the defendant during any hearing
6 conducted via a 2-way ~~two-way~~ audio-visual communication
7 system, such consultation shall not be recorded and shall
8 be undertaken consistent with constitutional protections.

9 (3.5) A hearing at which pretrial release may be
10 denied must be conducted in person (and not by way of 2-way
~~two-way~~ audio visual communication) unless the accused
11 waives the right to be present physically in court, the
12 court determines that the physical health and safety of
13 any person necessary to the proceedings would be
14 endangered by appearing in court, or the chief judge of
15 the circuit orders use of that system due to operational
16 challenges in conducting the hearing in person. Such
17 operational challenges must be documented and approved by
18 the chief judge of the circuit, and a plan to address the
19 challenges through reasonable efforts must be presented
20 and approved by the Administrative Office of the Illinois
21 Courts every 6 months.

22 (4) If the defense seeks to compel the complaining
23 witness to testify as a witness in its favor, it shall
24 petition the court for permission. When the ends of
25 justice so require, the court may exercise its discretion

1 and compel the appearance of a complaining witness. The
2 court shall state on the record reasons for granting a
3 defense request to compel the presence of a complaining
4 witness only on the issue of the defendant's pretrial
5 detention. In making a determination under this Section,
6 the court shall state on the record the reason for
7 granting a defense request to compel the presence of a
8 complaining witness, and only grant the request if the
9 court finds by clear and convincing evidence that the
10 defendant will be materially prejudiced if the complaining
11 witness does not appear. Cross-examination of a
12 complaining witness at the pretrial detention hearing for
13 the purpose of impeaching the witness' credibility is
14 insufficient reason to compel the presence of the witness.
15 In deciding whether to compel the appearance of a
16 complaining witness, the court shall be considerate of the
17 emotional and physical well-being of the witness. The
18 pre-trial detention hearing is not to be used for purposes
19 of discovery, and the post arraignment rules of discovery
20 do not apply. The State shall tender to the defendant,
21 prior to the hearing, copies, if any, of the defendant's
22 criminal history, if available, and any written or
23 recorded statements and the substance of any oral
24 statements made by any person, if in the State's
25 Attorney's possession at the time of the hearing.

26 (5) The rules concerning the admissibility of evidence

1 in criminal trials do not apply to the presentation and
2 consideration of information at the hearing. At the trial
3 concerning the offense for which the hearing was conducted
4 neither the finding of the court nor any transcript or
5 other record of the hearing shall be admissible in the
6 State's case-in-chief, but shall be admissible for
7 impeachment, or as provided in Section 115-10.1 of this
8 Code, or in a perjury proceeding.

9 (6) The defendant may not move to suppress evidence or
10 a confession, however, evidence that proof of the charged
11 crime may have been the result of an unlawful search or
12 seizure, or both, or through improper interrogation, is
13 relevant in assessing the weight of the evidence against
14 the defendant.

15 (7) Decisions regarding release, conditions of
16 release, and detention prior to trial must be
17 individualized, and no single factor or standard may be
18 used exclusively to order detention. Risk assessment tools
19 may not be used as the sole basis to deny pretrial release.

20 (g) Factors to be considered in making a determination of
21 dangerousness. The court may, in determining whether the
22 defendant poses a real and present threat to the safety of any
23 person or persons or the community, based on the specific
24 articulable facts of the case, consider, but shall not be
25 limited to, evidence or testimony concerning:

26 (1) The nature and circumstances of any offense

1 charged, including whether the offense is a crime of
2 violence, involving a weapon, or a sex offense.

3 (2) The history and characteristics of the defendant
4 including:

5 (A) Any evidence of the defendant's prior criminal
6 history indicative of violent, abusive, or assaultive
7 behavior, or lack of such behavior. Such evidence may
8 include testimony or documents received in juvenile
9 proceedings, criminal, quasi-criminal, civil
10 commitment, domestic relations, or other proceedings.

11 (B) Any evidence of the defendant's psychological,
12 psychiatric or other similar social history which
13 tends to indicate a violent, abusive, or assaultive
14 nature, or lack of any such history.

15 (3) The identity of any person or persons to whose
16 safety the defendant is believed to pose a threat, and the
17 nature of the threat.

18 (4) Any statements made by, or attributed to the
19 defendant, together with the circumstances surrounding
20 them.

21 (5) The age and physical condition of the defendant.

22 (6) The age and physical condition of any victim or
23 complaining witness.

24 (7) Whether the defendant is known to possess or have
25 access to any weapon or weapons.

26 (8) Whether, at the time of the current offense or any

1 other offense or arrest, the defendant was on probation,
2 parole, aftercare release, mandatory supervised release, or
3 or other release from custody pending trial, sentencing,
4 appeal, or completion of sentence for an offense under
5 federal or State ~~state~~ law.

6 (9) Any other factors, including those listed in
7 Section 110-5 of this Article deemed by the court to have a
8 reasonable bearing upon the defendant's propensity or
9 reputation for violent, abusive, or assaultive behavior,
10 or lack of such behavior.

11 (h) Detention order. The court shall, in any order for
12 detention:

13 (1) make a written finding summarizing the court's
14 reasons for concluding that the defendant should be denied
15 pretrial release, including why less restrictive
16 conditions would not avoid a real and present threat to
17 the safety of any person or persons or the community,
18 based on the specific articulable facts of the case, or
19 prevent the defendant's willful flight from prosecution;

20 (2) direct that the defendant be committed to the
21 custody of the sheriff for confinement in the county jail
22 pending trial;

23 (3) direct that the defendant be given a reasonable
24 opportunity for private consultation with counsel, and for
25 communication with others of his or her choice by
26 visitation, mail and telephone; and

(4) direct that the sheriff deliver the defendant as required for appearances in connection with court proceedings.

(i) Detention. If the court enters an order for the detention of the defendant pursuant to subsection (e) of this Section, the defendant shall be brought to trial on the offense for which he is detained within 90 days after the date on which the order for detention was entered. If the defendant is not brought to trial within the 90-day period required by the preceding sentence, he shall not be denied pretrial release. In computing the 90-day period, the court shall omit any period of delay resulting from a continuance granted at the request of the defendant and any period of delay resulting from a continuance granted at the request of the State with good cause shown pursuant to Section 103-5.

(i-5) At each subsequent appearance of the defendant before the court, the judge must find that continued detention is necessary to avoid a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, or to prevent the defendant's willful flight from prosecution.

(j) Rights of the defendant. The defendant shall be entitled to appeal any order entered under this Section denying his or her pretrial release.

(k) Appeal. The State may appeal any order entered under this Section denying any motion for denial of pretrial

1 release.

2 (1) Presumption of innocence. Nothing in this Section
3 shall be construed as modifying or limiting in any way the
4 defendant's presumption of innocence in further criminal
5 proceedings.

6 (m) Interest of victims.

7 (1) Crime victims shall be given notice by the State's
8 Attorney's office of this hearing as required in paragraph
9 (1) of subsection (b) of Section 4.5 of the Rights of Crime
10 Victims and Witnesses Act and shall be informed of their
11 opportunity at this hearing to obtain a protective order.

12 (2) If the defendant is denied pretrial release, the
13 court may impose a no contact provision with the victim or
14 other interested party that shall be enforced while the
15 defendant remains in custody.

16 (Source: P.A. 102-1104, eff. 1-1-23; 103-822, eff. 1-1-25;
17 revised 10-23-24.)